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FEDERAL REGISTER

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Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Environmental Protection Agency
Federal Aviation Administration
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
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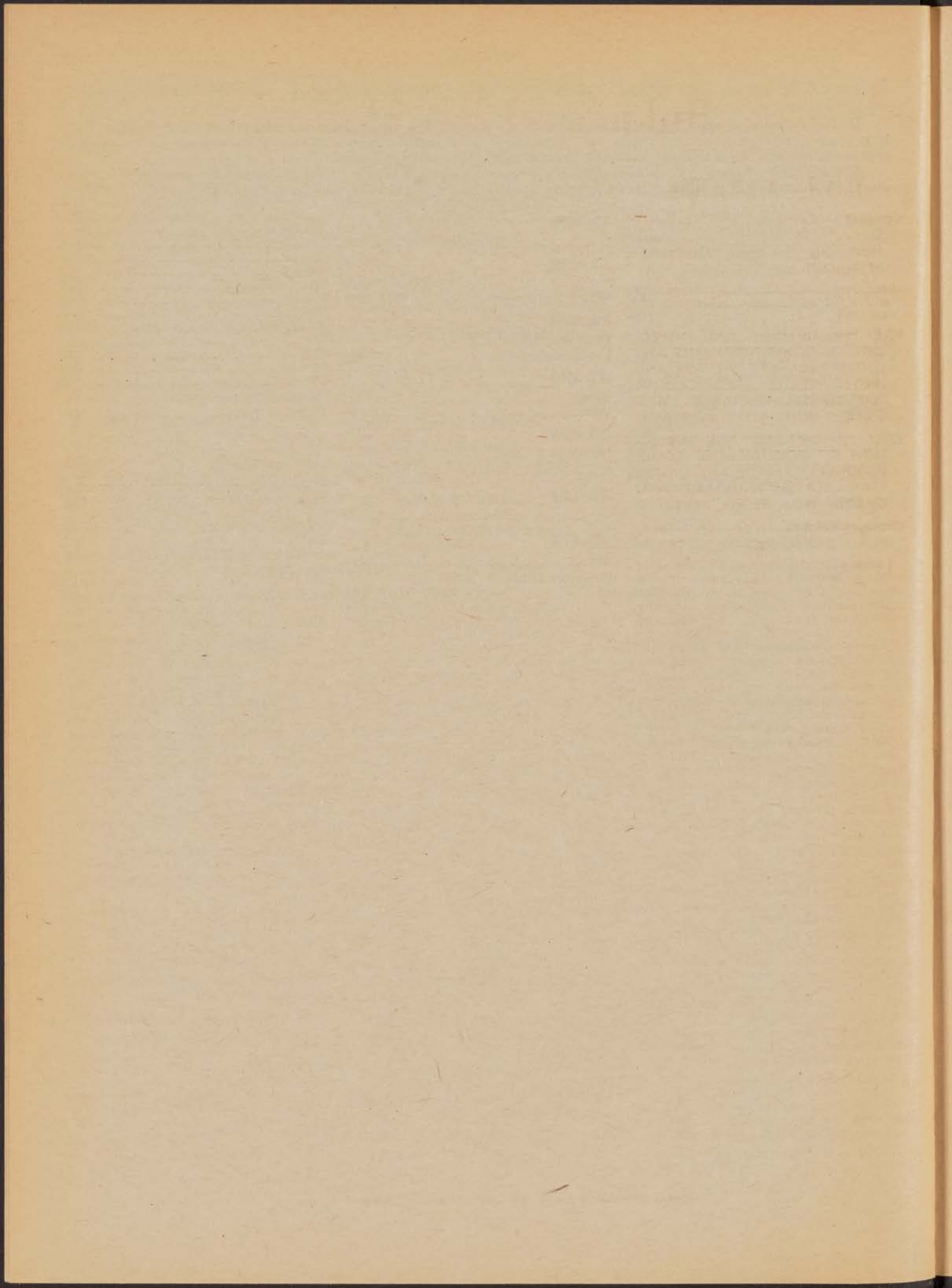
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices) Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Changes Related to Voluntary Inspection Service

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70) as set forth below:

Statement of considerations. Effective July 1, 1970, the voluntary programs covering the inspection of poultry and edible products thereof and domestic rabbits and edible products thereof, were transferred from the Poultry Division, C&MS, to the Meat and Poultry Inspection Program, C&MS. The grading aspects of these voluntary programs remained within the Poultry Division.

Inasmuch as there is an existing difference in the prevailing approved rates charged for such voluntary services being administered by the Poultry Division and the Meat and Poultry Inspection Program, it is necessary that the regulations relating to fees be amended to set out separately the rates to be charged by each of the programs. The amendments are as follows:

1. In § 54.101 paragraphs (b) and (c) are amended and new paragraphs (d) and (e) are added to read, respectively:

§ 54.101 On a fee basis.

(b) Fees for grading service will be based on the time required to perform such service for class, quality, quantity

(weight test), or condition of ready-to-cook product. The hourly charge shall be \$9.20 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of \$11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be \$8.76 for base time and \$8.80 for overtime or holiday work.

(e) Charges for any laboratory analysis or examination of rabbits under this part related to the inspection service shall be \$9.28 per hour.

2. Section 54.107 is amended to read:

§ 54.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of domestic rabbits and products thereof shall be those provided for in § 54.101(d) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 54.101 (d) plus the travel expense and other charges provided for in § 54.106.

1. In section 70.131 paragraphs (b) and (c) are amended and a new paragraph (d) is added to read, respectively:

§ 70.131 On a fee basis.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether live, dressed, or ready-to-cook poultry is involved. The hourly charge shall be \$9.20 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of \$11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The charges for inspection services will be based on the time required to perform such services. The hourly rate shall be \$8.76 for base time and \$8.80 for overtime and holiday work.

2. Section 70.141 is amended to read:

§ 70.141 Charges for inspection service.

(a) Charges for rendering continuous inspection services on a year-round basis shall be at the hourly rates provided for in § 70.131(d) when such services are required 4 or more hours per day. When inspection services are performed on an intermittent basis, the charges shall be at the hourly rates provided for in § 70.131(d), plus the travel expense and other charges provided for in § 70.136.

(b) Surveys made pursuant to the regulations (Part 81 of this chapter) under the Poultry Products Inspection Act will be accepted for the purposes of § 70.44, otherwise the charge shall be at the rate specified in § 70.131, plus the travel expense.

Legislation requires that the fees and charges for inspection and grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), shall be reasonable and shall, as nearly as possible, cover the cost of such services.

The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER. Therefore, these amendments will become effective March 1, 1971.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator,
Meat and Poultry Inspection
Program.

[FR Doc. 71-2757 Filed 2-26-71; 8:50 am]

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees salaries authorized by the Federal Pay Comparability Act of 1970 (Public Law 656), Executive Order 11576, approved January 8, 1971.

Sections 81.170, 81.171, and 81.172 are hereby amended by deleting the figure "\$8.40" and substituting in lieu thereof "\$8.80."

The Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), and the regulations promulgated thereunder require the cost of overtime and holiday inspection service be paid for by the applicant or user of the service. It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1971, with respect to all Federal poultry inspection services rendered on and after that date.

Done at Washington, D.C., on February 25, 1971.

L. V. SANDERS,
Acting Deputy Administrator,
Meat and Poultry Inspection
Program.

[FR Doc.71-2756 Filed 2-26-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 469]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.769 Lemon Regulation 469.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening be-

tween the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period February 28, 1971, through March 6, 1971, are hereby fixed as follows:

- (i) District 1: 17,000 cartons;
- (ii) District 2: 183,000 cartons;
- (iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 25, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[FR Doc.71-2833 Filed 2-26-71;8:50 am]

[Grapefruit Reg. 77]

Limitation of Handling

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

LIMITATION OF HANDLING

§ 912.377 Grapefruit Regulation 77.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 1, 1971, through March 7, 1971, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 26, 1971.

FLOYD F. HUDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[FR Doc.71-2855 Filed 2-26-71;11:44 am]